State Of Washington Department Of Ecology Shorelands and Environmental Assistance Program

Coastai Zone Management Section 306, 306A, 309 and 6217 Grant

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Section "A"

Performance Report
For the period July 1, 2000 through December 31, 2000

1ST Semi-Annual Report

January 2001

Washington Shorelands & Environmental Assistance Program FFY 2000 Coastal Zone Management Grant Sections 306/306A/309/6217

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CHAPTER 1 – SECTION 306

TASK 1.1 COASTAL ZONE MANAGEMENT

Policy Analysis

- Staff attended the Coastal States Organization meeting in December.
- Staff has been following CZARA.
- Staff finalizing the revised Washington State Coastal Zone Management Program for final submittal to NOAA.

ESA Consultation

SEA Program staff continues to work with the National Marine Fisheries Service and OCRM on ESA section 7 issues, especially as they relate the state's new SMP Guidelines. (Examples follow)

First draft shoreline master program (SMP) based on Path an approach submitted. The City of Everett met with Ecology to review comments made by Ecology staff related to the City's draft SMP using the newly adopted Guidelines. Ecology's consultant for writing the Guidelines, John Owens of Makers, attended the meeting to help explain the details and intent of the Guidelines. Key issues were raised regarding the use of "best available science" and the shoreline designation of critical habitat within the City. Tasks were assigned to various people and future meetings are anticipated.

Kitsap County has tried to coordinate their Master Program effort with the Endangered Species Act (ESA) listing of three species in their affected waters, but have been unable to complete this effort. NMFS has told Ecology and the County that addressing the shoreline regulations through the Section 7 Consultation Process (one-on-one attention) may not *begin* until the end of 2001or the beginning of 2002.

Coastal Zone Management Grant

See Attachment 1 for local government grants information. Also see attachments
Staff has been compiling information for this semiannual report as well as tracking
budget and individual Tasks. Program staff has also begun planning for next year's grant
proposal.

WCZMP

Washington Submitted a Final draft of our Washington Coastal Zone Management Program to NOAA for action.

Coastal Planners Meetings

The Summer meeting was held on July 20th on the theme: Applications of Beach Nourishment at Seattle Waterfront Parks. This meeting was a bus tour lead by Hugh Shipman (Coastal Geologist, Wash. Dept of Ecology) with assistance from Peter Hummel

(Landscape Architect, Anchor Environmental), and Kevin Stoops (Seattle City Parks). The tour visited Seacrest Park, Golden Gardens Park beach restoration, West Point at Discovery Park, and Lincoln Park. Forty-eight persons attended. The purpose of this meeting of the Shoreline and Coastal Planners Group was to familiarize local government shoreline planners (and other coastal managers from state agencies) with the techniques and technologies of shoreline stabilization by means of beach nourishment and the attendant regulatory and public policy issues.

The fall meeting was held on October 20th in Mount Vernon on the theme: Marine Protected Areas: Bottom-up Marine Resources Management Presentations were made on Marine Protected Areas Practices in British Columbia by Bill Henwood (Parks Canada, Vancouver); Trans-Boundary Marine Protected Areas Issues (panel discussion); Tribal and Municipal Marine Protected Areas Experiences (panel discussion); and Coordination of MPAs Throughout Puget Sound (Ginnie Broadhurst, Puget Sound Action Team). The meeting was attended by approximately 50 people.

Publication Management

Continued to maintain publications in print and continued ongoing effort to add publications to Ecology's web site at www.wa.gov/ecology/sea/shoreland.html.

Information Newsletter

No newsletter published in this time frame.

Coastal Air Photograph Monitoring Project

Oblique aerial photos were flown in August and September in southern and central Puget Sound. Ecology entered into an agreement with Vantage Point Photography with a budget that included funds from our 99 and 00 awards. This contract will result in digital photos for nearly 1,300 miles of shoreline in South, Central and North Puget Sound. Attempts to seek cost sharing with the Department of Natural Resources have been put on hold until that agency defines its policy objectives under their new administration.

Coastal Information

CZM staff have begun the initial stages of scoping and designing a web site that will focus on Washington's Ocean coast. The site will be geared toward property owners, tourists, and citizens.

Coastal Decision Tools

Accomplishment July - December 2000

- A questionnaire has been developed to assess technical and planning needs along the southwest Washington coast (see attachment).
- Initial meetings held with City of Ocean Shores and City of Long Beach.
- Made improvements to existing Study Internet site to increase access to data and information.
- Developed a draft framework for distributing Study data over the Internet.

 Investigated technical issues of developing a CD-ROM for distribution to coastal communities.

Shellfish Technical Assistance

Activities at NWRO

The dairy inspection program continues to address manure management issues. Through enforcement and technical assistance, dairy operators are implementing management practices to improve water quality in several basins. Improving manure management on dairy farms in turn protects water quality by preventing discharges of manure that could adversely impact shellfish.

Continued conducting inspections and taking enforcement and permitting actions under the 1998 Dairy Nutrient Management Act (DNMA), Chapter 90.64 RCW, to address potential or actual water quality problems at dairy farms.

The grant managers continue to actively manage grants and loans designed to repair and upgrade septic systems in several counties. These grants provide a valuable service to water quality and the public by enabling homeowners to improve their current septic systems if changes are needed. By providing low interest loans and grants, many on-site systems will be improved quickly. Protecting water quality from septic discharges improves water quality for shellfish harvest as well. In addition to these grants/loans, financial assistance for stream restoration also improves the quality of the water discharged to the marine or estuarine environment that supports shellfish resources. Management of these grants ensures that resources are used to improve water quality and shellfish.

Managed the following grants to address water quality needs in shellfish growing areas:

- ➤ Garrison/Westcott Bays On-Site Grant Program
- > Whatcom Shellfish Protection Plan
- > Samish Bay Watershed Water Quality Monitoring
- Skagit Water Quality Improvement Fund/Local Loan Fund
- Skagit CD Padilla Bay Agricultural BMP Project
- > Skagit CD Samish River & Padilla Bay Information and Education
- Skagit CD Samish River Agricultural BMP Project
- Whatcom On-Site System Local Loan Program

Management of the dairy program and financial assistance program to support shellfish interests is another activity. Through supervision, guidance is provided for the use of resources and policy management for regional issues to benefit shellfish as well as other water quality issues continue.

Activities at SWRO

Continue to work with local, state, tribal, and federal groups to develop a recovery plan in response to the shellfish downgrade in Dungeness Bay. Involved in implementing a grant for Mason County to investigate possible bacteria sources for the continuing shellfish closure in Lower Hood Canal.

Continue to propose Environmental Assessment Program projects for anticipated downgrades in Henderson Inlet, Nisqually Reach, and other potential downgrades and the establishment of TMDL's to address pollution sources.

Supervised dairy staff that completed all of the SWRO initial inspections pursuant to RCW 90.64. The SWRO dairy team is now completing follow-up inspections and tracking progress on nearly half of the region's dairies that received some enforcement action (NOC, Order, and/or Penalty).

Essentially completed negotiations with the Oyster Growers Association on the development of a Memorandum of Agreement for the control of burrowing shrimp in Willapa and Grays Harbors. The MOA is expected to be signed January 2000.

Worked with the Environmental Assessment Program to prepare a scope of work and a first draft study to analyze Carbaryl in Willapa Bay water. The study objectives are to:

- 1) determine if there is carbaryl persistence in water beyond the July/August spray period,
- 2) analyze carbaryl in other potential sources to Willapa Bay,
- 3) achieve detection limits for carbaryl sufficiently low for comparison with the NAS recommendation, and
- 4) review the literature on carbaryl's effects to marine organisms and evaluate the appropriateness of the NAS criterion for Willapa Bay.

Headquarters Office

Continued to coordinate the activities of six western Washington dairy inspectors implementing the 1998 Dairy Nutrient Management Act. As of June 2000, every dairy farm in western Washington received at least one initial water quality inspection. Enforcement or NPDES permitting actions were taken at about 25% of the farms inspected. The inspection program will now focus on follow-up inspections to make sure required dairy waste management improvements are implemented. Also, represented Ecology on a legislative Dairy Task force that met every month from July through December 2000.

Supervise one staff person managing a detailed database on the dairy program including inspections, enforcement, permitting and the status of implementing dairy waste management plans at the states 762 dairy farms.

Continued representing the Department of Ecology on the Department of Health Shellfish Advisory Committee. Provide coordination between the Department of Health Shellfish

Program and Ecology Regional Offices on the water quality status of the state's commercial growing areas (including upgrades in harvest status) and those growing areas being placed on Health's Early Warning List for possible harvest limitation due to deteriorating water quality.

TASK 1.2 SHORELINE MANAGEMENT

Shoreline Permits

Town of Ilwaco/Pacific County: Ilwaco has struggled this past year getting adequate planning assistance. A phone complaint revealed that a bank building is being constructed, and despite the bank's best efforts, the Town failed to properly issue and file the necessary shoreline permit. Documentation indicates that some sort of decision-making process occurred but communication with the Department of Ecology, both for SEPA and shoreline permitting was mishandled by the Town's now ex-planner. A new planner has been hired and I have advised the Town to complete the process for the bank project.

Tacoma Narrows Bridge/Pierce County: Both Tacoma and Pierce County issued approvals on this project. Ecology issued conditional approvals on September 8, 2000 and September 22, 2000. Neither permit was appealed. We continued to work out details regarding extension of the stormwater utilities beyond –10 feet (Mean Lower Low Water = 0.0 feet) elevation. This will take construction stormwater and process wastewater discharges from the upland batch plants out of the nearshore environment. Because of the design-build nature of this project, it has been difficult to get an accurate picture of what will actually take place on-site. Every meeting raises a new issue and we have had to work to get United Infrastructure of Washington to understand that providing us with clear information on what they need to do to construct the bridge and how they do the construction is crucial for issuing permits.

Schumocher Creek/Mason County: A very contentious decision by Mason County authorized the replacement of a blown out culvert with another, larger culvert, despite numerous meetings and letters from resource agencies indicating that a bridge was the preferred option. The Salmon Recovery Board offered funding to assist in placement of a bridge because the previous culvert blocked fish passage to a largely undeveloped watershed. Ecology issued a denial of the permit for the culvert. The County then indicated that they intended to allow the Department to choose between the culvert and the bridge options. In order to resolve the issue, the County filed an appeal and we have negotiated a settlement, in principle that will authorize a 40' wide bottomless culvert/bridge. We are still waiting on final signatures from the County. Meanwhile, the County Commission has two new faces.

Shoreline Substantial Development, Conditional Use, and Variances that have been appealed to the State Shorelines Hearings Board, including:

Paul Janos v. State of Washington, Department of Ecology, City of Seattle, and Sound Transit

Wherein Paul Janos contended that the correct processes for SEPA review, public process, and City permitting were not followed, particularly regarding temporary uses (of the shoreline) necessary to construct the Sound Transit Link Rail System. The temporary use he referred to was the subject of an SDP/CUP and was for a partly overhead system

of conveyance for the rail link tunnel diggings to be loaded onto a barge which would leave Lake Union through the Hiram Chittendon (Ballard) Locks for relocation or disposal. This tunnel will be under Portage Bay, a part of Lake Union.

Although there will certainly be an amount of disruption during this temporary 5 year (approximately) period, there will be an end to the conveyor system and a new mass transit section built for Seattle if other needs are satisfied.

Our Assistant Attorney General participated in the hearing process and an eventual summary judgement and dismissal was issued on December 29, 2000. This decision was made based on the grounds that the procedural requirements had been met and no substantive issues were presented to the Board.

Junker v. City of Seattle

This case involved a variance that was being sought to enclose a deck on a houseboat in Lake Union, Seattle. It would have made the boat overheight for it's shoreline environment, but the appellant contended that it was necessary to overcome the listing that was occurring because of original bad construction.

The appellant withdrew the appeal and has dealt with the issue within the height limit of 18 feet

Pacific Palisades Condominium Association vs Thomas NorthLake LLP, Steve Tatge, City of Seattle, and Ecology

This case arose from a condominium's view being blocked by the upland portion of a shoreline building which was the result of a Conditional Use permit changing the actual use from Maritime to Office on Lake Union in Seattle.

The case was settled by negotiation and redesign of the upland part of the building (that part which was outside of shoreline jurisdiction).

Ecology had concerns with this project also, since the planner was estimating a need for approximately 60-75 parking spaces for a site that currently requires 0-5. The applicant agreed to provide twice as many as the City would normally require for office space of this size, 50 instead of 25. Ecology's concern was that the increased traffic and parking pressure could discourage people from coming to that part of the industrial/commercial waterfront, but hopefully this amount of on-site parking will reduce those pressures.

The City of Seattle and particularly the Port of Seattle, who own much of the waterfront area which citizens have historically regarded as public, have been reducing public parking, and therefore access, at many of their sites. They have reduced public parking at the new Elliot Bay Cruise Line Terminal Site, Pier 66, and moved the public access site to a moderately difficult to reach area 800 feet south of the original site on the sea edge apron. They are installing a non-ADA approved (too steep) ramp to the site, and will allow people with limitations (strollers, etc.) This project does have other public access

sites, however, including the roof of the main building, which has an unobscurred view of Puget Sound and an elevator.

Shorelines Hearings Board case settled: The appellant, Mr. Telfer is a property owner on north Orcas Island who appealed Ecology's denial of a variance to build a residence within the setback 50-foot setback on a flat lot. As part of the settlement agreement, the property owner agreed not to bulkhead the property, not to subdivide the property, to refrain from removing the mature trees on the lot, and to plant native vegetation along a portion of the shoreline. We agreed to a 35-foot setback.

Compliance and Enforcement

Ecology issued no penalties and orders during this period. However, we did issue two Notices of Correction during this period.

The first was WAGNER on Harestine Island in Mason County. A fellow has built a marine bulkhead out of hundreds of discarded acetylene tanks. Tanks are lined with asbestos and in this use are rusting away...exposing the neighborhood to serious potential health risks. Oddly, this seems to fall between the jurisdictional cracks of several environmental agencies. We now have his attention and are working with the County to try to negotiate some sort of restoration.

The second is the TRASK case in on Termination Point on Hood Canal, a Shoreline of Statewide Significance, in Jefferson County. The county has joined us in this enforcement action. The violation consisted of extensive grading and trenching the shoreline and disturbing the hydrology of the area. Timber was harvested and other activities without required permits. Emergency erosion measures have now been put in place. We are currently in negotiations with Mr. Trask to secure restoration and to ensure environmental safeguards for future development of the site.

In more general activities, the SEA program Compliance Workgroup has continued to meet at least monthly and have produced two educational handouts for local government officials on the topic of how to administer SMA exemptions. We chose this topic because it is an area of recurring misadministration on a local level, and because it has considerable environmental impacts. We have also drafted guidance to staff at the request of the Program Management Team on how to administer incomplete or erroneous permit applications. We have also begun the process to monitor a subsection of our SMA permits, again this year, to "ground-proof" permit conditions and thereby improve our permit process in the future.

Shoreline Master Program Review Draft Reviewed by Ecology

Island County - complete SMP rewrite

City of Burlington - new SMP

Jefferson County - This is a phased long-term project to update the SMP as well as other County codes. The County completed their draft shoreline goals and policies in FY99.

The FY00 scope of work included completing the draft SMP by preparing development regulations. The County completed the entire draft SMP in August 2000 and is currently conducting a detailed public review. This was a FY00 CZM grant project.

City of Ilwaco - This is a comprehensive amendment to the SMP. The City is undertaking its first amendment to the SMP since its initial adoption in 1975. The City prepared an initial draft SMP in July 2000. The City is, however, currently revising its planning process and anticipates revising the draft SMP. The FY00 CZM grant was cancelled

City of Everett
Town of Woodway
San Juan County (Two)
City of Tukwila

Submitted to Ecology for Action

City of Langley - complete SMP rewrite Town of LaConner - minor amendments

Acted on by Ecology

City of Anacortes - partial SMP rewrite

City of University Place - This was a comprehensive amendment to the SMP. In fact, given the recent incorporation of University Place, this is the first SMP to be written by the City. The SMP was approved by Ecology with conditions in November 2000. The conditions generally enhanced and interpreted the SMP in areas of residential development and shoreline resource protection. This was a FY99 CZM grant project. City of Port Angeles - The City submitted a proposed SMP amendment, which would change regulations for boating facilities. The amendment allows taller boat houses and modifies the definition of conditional uses. The final approval of this SMP amendment by Ecology was effective August 2000.

City of Edmonds City of Goldbar

SMA/GMA Mapping in the Coastal Zone

Work has not yet begun on this project

TASK 1.3 WETLANDS MANAGEMENT

Wetlands Technical Assistance

Ecology staff conducted an all day ordinary high water mark (OHWM) workshop for local jurisdictions bordering Lake Sammamish. Site visits illustrated the complexity of making OHWM calls. The option of adopting other lines of reference for measuring setbacks was also discussed. The workshop was well received by the local planners. A historical definition of 27 feet elevation for the OHWM by the Corps of Engineers is an artifact within some shoreline master programs.

Ordinary High Water Mark Training: Al Wald and Erik Stockdale hosted a 2-day "Ordinary High Water Mark" training session for NWRO staff October 23-24. (Al Wald and Perry Lund taught similar sessions at CRO and SWRO). The training was well received by staff, who asked for additional follow-up training. Staff recognizes the need to continue this training effort, this time for local government staff. In order to do so, the program needs develop a training plan and provide the necessary resources to make it work.

Snohomish Estuary Wetland Integration Plan. We have spent a considerable amount of time working with the City of Everett and other jurisdictions in the lower Snohomish estuary since 1994 on the development of a landscape-scale plan to manage wetlands and aquatic resources in the estuary. The City published the plan in 1997. In 2000 we passed a CZM grant on to the City to develop a "salmon overlay" to the 1997 estuary plan, to update the plan with Chinook and bull trout elements. The effort has had a significant effect on the attention paid to the resources in the estuary. The salmon overlay report is being published in Feb 2001 and has identified over 5000 acres of restorable land in the estuary.

Tim Erwin Violation, Bothell: The City of Bothell asked Erik Stockdale to provide expert testimony in an enforcement case that the City has brought against former state representative Tim Erwin. The City has four outstanding violations lodged against Mr. Erwin. He severely impacted forested wetland that straddles several of his lots that are headwaters to Little Swamp Creek. Mr. Erwin ditched his property and trespassed onto his neighbors to the north and to the south with the ditch. Gerd Hattwig (Ecology criminal investigator) is working on one of the violations. The Department of Fish & Wildlife has cited Mr. Erwin with a hydraulic code violation for the ditching, which has significantly degraded Coho habitat.

Haskell Slough Gravel Mining and Avulsion Barrier Proposal: A proposal to mine 3 million cubic yards of gravel from the floodplain of the Skykomish River and to construct an avulsion barrier was proposed by a farmer months ago. Serious concerns were raised by numerous agencies, including Ecology. We indicated that the proposal was not consistent with the Shoreline Master Program and raised potential water quality and salmon concerns. The applicant has decided to abandon the proposal, which is an outcome of benefit environmentally.

Request for assistance and site visit from Kitsap County Planning and the Suquamish Tribe. Kitsap County at Silverdale Shoreline Permit for Multi-use commercial development on Clear Creek, an estuarine and wetland inlet of Puget Sound - This shoreline project has been in the planning stages for several years and there was an interest in developing "Creekside Plaza" at the old proposed setbacks from the creek and wetland of 100', with lesser buffers than would now be required under the County's proposed setbacks and buffers for their SMP amendment and 4d Rule response. The County requested a site visit from Ecology to determine the value and classification of the wetlands on the site of the proposed development, and it was determined that the estuarine wetland was Category 1. Several other associated wetlands further up Clear Creek were possible Categories 2 and 3. The County and Suquamish Tribe appreciated our assistance and the project is now going back to the design board, with the applicant feeling that they are being unfairly treated and that they are the ones who have had the "take". It is an important piece of estuary to save in that area, since Clear Creek has a Chinook salmon run and this estuary is listed by NMFS as being critical habitat. The owners have ample property on the site to develop while protecting the stream, wetland. and estuary, but it may not be as lucrative as a fully developed site.

This situation emphasizes the need for consistency of regulation so applicants feel they are not being unfairly treated, but face the same constraints as other landowners lucky enough to have waterfront property.

*This project has not been redesigned or gone forward since our involvement in November, 2000

The Kingston Road Widening Project (Kitsap County Public Works (Lead Agency), WSDOT, and FHWA) A problem, which had plagued us all summer, was resolved this month. The County's proposal was to put fill into an estuarine wetland to build up the slope and roadbed of Kingston Road. It was found that all state and federal resource agencies were rejecting the project and that the permits were not going to be approved. The lead agency has now proposed to cut the road bed down lower to widen it, creating a dip in the road for the length of the span over the estuary, which may be up to 600 feet total. This changes the status of the project, which will still need a SDP for a storm water outfall, but it will not now need a CUP.

This is a good example of resource agencies working together to find a solution to a problem. This may have gone forward with fragmented permits if the agency professional staff had not met to discuss the project. These staff included Ecology, WFW, DNR, NMFS, USFW, the community group who first opposed the project, WSDOT, the Federal Highway Administration, and Kitsap County Public Works.

*This project went forward after redesign to avoid and minimize wetland impacts, bringing it below the threshold for requiring Ecology's wetland permit approval. Resolved in August 2000.

A significant amount of time has been spent with the new City of Sammamish planners discussing interpretations of the shoreline management RCW and WACs, reviewing shoreline permits in terms of compliance with the King County Shoreline Master Program, and participating in on-site OHWM calls.

*Working with the City of Sammamish planning staff on OHWM issues occurred periodically during this timeframe, and staff are still involved with future meetings with them to further clarify these issues.

Controversial Tribal Historical Site and Ordinary High Water Mark Call: We responded to a request for assistance from the Suquamish Tribe regarding a home being built on Agate Passage of Hood Canal. The builder has apparently disturbed a shell(fish) midden adjacent to a dedicated archeological Suquamish Tribe winter longhouse site ("Old Man House"). Sarah Suggs made a OHWM determination because it appeared that the designation by the County was incorrect. The OHWM is important at this site because if the proposed house site is within 35 ft of the OHWM, it would need a variance and would go through SEPA and be reviewed by Ecology. It is unlikely that the variance criteria for WAC 173-27-170 would be met because they already have one house on the site. *Variance was not required and project proceeded.

Park Road Widening, Whatcom County – This project would fill 0.67 acres of wetland through an individual 404 permit for the widening of 2.9 miles of Park Road. Staff has been working with Whatcom County Public Works staff on reduction of impacts and appropriate mitigation for the wetland fills. This project is locally controversial over the need to widen this road; citizens and a County Council member have contacted me. After a few months of discussions, Whatcom County just submitted a revised set of plans that should meet all of Ecology's requirements.

Triangle Cove Proposed Wetland Mitigation Bank, Camano Island - The proposal is to mow and spray herbicides on 170 acres of Spartina-infested estuary and preserve the remaining 50 acres. Staff investigated the site and reviewed the prospectus for conformance with the pre-file Mitigation Banking Rule, and participated in the Mitigation Banking Review Team meeting. Many technical and procedural issues were raised with the proposal, including lack of demand for off-site mitigation for estuarine wetlands; the proposed service area is much too large; and the credit ratios would likely be 4:1 up to 8:1 rather than 2:1 as proposed. No response has been received from the applicant following the meeting.

Carey Brothers / Creekside Meadows, Whatcom County – The proposal is to fill 1.5 acres of grazed wetland for a residential subdivision. Staff has been working with the applicant, their wetland consultant, and Whatcom County review staff on the project layout and proposed mitigation. Following a recent meeting, the applicant has agreed to redesign the project to reduce the wetland fill. Staff agreed that the outer 50 feet of the remaining wetland would be considered buffer and enhanced.

Tembe/Geyer/Van Wyck Road, Whatcom County – This residential subdivision in Bellingham filled 0.89 acres of forested wetland under a Nationwide Permit in 1998. Ecology had granted 401 Water Quality Certification with approved mitigation. The owner of the mitigation site withdrew his authorization for the mitigation, and the applicant had been working with Ecology to locate another off-site mitigation area. Staff continued working with the applicant, their consultant, and the City of Bellingham on the details of the new mitigation proposal. Staff drafted conditions for a new Water Quality Certification for this project, and expects we will be able to issue it once we receive the last pieces of information. At this point the applicant is balking at continuing with the mitigation project, because they assert that the filled wetlands were "isolated" and therefore not under Corps of Engineers jurisdiction, based on the recent Supreme Court decision. However, since Ecology issued an Administrative Order with the Water Quality Certification in 1998 that remains to be complied with, Ecology has jurisdiction to complete the wetland mitigation.

<u>TJ Townhouses, Mount Vernon</u> – This project will fill 1.92 acres of wetland under Corps permit to construct a townhouse development. Staff worked with the applicant, their wetland consultant, and the Skagit Conservation District to gain an acceptable mitigation proposal. A small portion of the impact will be mitigated on the rear of the new townhouse lots. Most of the wetland mitigation will take place off-site through wetland creation and enhancement as designed by the Skagit Conservation District. Staff completed review of the wetland mitigation plans and recommended conditions of approval for the 401 Water Quality Certification.

Carroll's Creek Landing / Navy Housing, Snohomish County (Stillaguamish) – In response to an extremely tight timeframe from the Navy, Staff reviewed the wetland mitigation plan for their fill impacts to a Category 1 wetland for a multi-family housing development. Staff conferred with the Corps and Snohomish County regarding their prior reviews. Staff met with the wetland consultant onsite, and we located areas for additional wetland mitigation through enhancement in order to meet Ecology's recommended mitigation ratios. Ecology issued an approval letter for their mitigation plan, conditioned on receiving a final mitigation plan within one month. We received the plan in a timely manner, reviewed and approved it.

Wetlands Function Assessment Project

One-day workshops for local and state agency staff were conducted in Vancouver, Olympia and Everett. Over 100 people were trained in how to interpret and use the function assessment method results.

Wetland Mitigation Banking

A final draft rule was developed and circulated to interested parties for review. Public workshops were held in Olympia and Everett and were attended by 140 people.

Wetland Mitigation Evaluation Project

Field visits were conducted to 24 mitigation projects across the state. Field data were collected on a range of physical and ecological parameters. Data organization and analysis were initiated.

Wetland Stewardship Project

- 1. Work continued on the new Qwuloolt Project in the lower Snohomish River with preparation of easement provisions and cooperative agreements needed to secure properties under the grant contract with the Tulalip Tribe.
- 2. A new monitoring component was added to the Spencer Island assessment work this year and conducted in July. It involved a plot sampling of plant species in various locations around each of the community recovery zones. Additionally, another gathering of Galerucella beetles were collected and released on the island as well.
- 3. Began looking at an additional acquisition and restoration project in the lower Puyallup River to reestablish connections to an old oxbow valuable as salmon habitat to the corridor.

Wetlands Restoration

Staff have also provided technical support to EPA and the Puget Sound Water Quality Action Team on the development and testing of three Smart Growth pilots the Puget Sound area. An interagency team was formed and has been working to select pilot watersheds, develop technical guidelines, and implement landscape assessment and alternative futures planning. Potential pilots include the Drayton Harbor drainages, Chico Creek (Kitsap County), and North Creek (Snohomish County). In the Drayton Harbor pilot, this effort has the opportunity to compliment and build on the wetland restoration and preservation work currently being done with the shellfish growers. This project will continue

River Basin Characterization

Development of watershed assessment guidelines has been a major focus of staff during this grant period. Substantial time has been spent working with the Governor's Salmon Recovery Team and other state and federal agencies to develop statewide watershed assessment guidelines. These guidelines will/can be used by river basin technical teams to coordinate and facilitate watershed assessment used in the recovery of ESA listed salmon, for planning for future growth, and for addressing water quality and quantity issues at a landscape scale. Staff have been instrumental in the development and writing of this draft document and the incorporation of a landscape-scale process-based approach in assessment. Early in 2001, the draft guidelines will be distributed for broader peer review and comments.

During this period, the wetland restoration program got a tremendous boost with the hiring of Stephen Stanley as full-time wetland restoration specialist. Stephen will take over the landscape-scale wetland restoration site identification and function

characterization work that Jenny Brown started in the Snohomish River Basin. Stephen is reviewing and editing the database of some 5137 potential wetland restoration sites identified in the basin and the GIS coverage developed to provide local jurisdictions and natural resource managers with new technical data for recovery planning.

Wetland restoration technical assistance was provided to a diverse group of organizations and local jurisdictions for on-the-ground projects. McElroy Slough Restoration Project (Samish Bay) continues to move forward with the development of a monitoring plan, a "tidegate" party to discuss the proposed estuarine restoration project and expose residents to the elevation of saltwater tidal influence, and meetings with regulatory agencies to begin the permitting process. Technical assistance is also being provided to the Tulalip Tribes and others for a large estuarine restoration project in the Snohomish estuary (Qwuloolt Project). Work continues with landowners in the Stillaguamish Basin to support long-term wetland restoration planning in this area. We received word in July that the Tributary 80 wetland restoration project (completed in 1999) has achieved a key objective with the natural reintroduction of beaver and the reestablishment of beaver dams in the drained forested wetland.

At the invitation of Commencement Bay Trustees, staff participated in a site visit to a large oxbow within the Puyallup River floodplain. The purpose of the site visit was to explore and identify technically feasible restoration options for this site. While the site has substantial restoration potential, many social and technical issues exist that make this a worthwhile, but long-term restoration project. Work on this project is ongoing.

During this period, an exceptional opportunity presented itself to use and build on the Nooksack wetland restoration database. Staff are working with Drayton Harbor shellfish protection coordinator, Geoff Menzies, to assist in identifying priority sites for wetland preservation and restoration that improve water quality in the harbor. The Nooksack wetland restoration coverage and database, developed as part of the Puget Sound Water Quality Management Plan, is being used to provide technical support. Along with this information, addition water quality data has been acquired from Western Washington University and new urban growth area boundaries accessed from the City of Blaine to assist in the development of a long-term wetland restoration and preservation plan for the harbor. Assessment and field evaluation work are planning for 2001.

Staff have also provided technical support to EPA and the Puget Sound Water Quality Action Team on the development and testing of three Smart Growth pilots the Puget Sound area. An interagency team was formed and has been working to select pilot watersheds, develop technical guidelines, and implement landscape assessment and alternative futures planning. Potential pilots include the Drayton Harbor drainages, Chico Creek (Kitsap County), and North Creek (Snohomish County). In the Drayton Harbor pilot, this effort has the opportunity to compliment and build on the wetland restoration and preservation work currently being done with the shellfish growers. This project will continue

TASK 1.4 FLOODPLAIN MANAGEMENT

Coastal Flood Hazard Management Plans

Program staff is working with local CZM counties in the development of flood hazard management plans.

TASK 1.5 FEDERAL PERMITTING

Clean Water Act Section 404 Review

See attached chart for section 404 reviews.

Federal Consistency Certification

Ecology staff reviewed projects by various federal agencies and applicants for federal permits and financial assistance for compliance with State's CZM Program (See Table 5-6-7).

The most controversial project acted upon during this reporting period was the Columbia River Deepening projects. A number of Ecology staff and management as well as representatives from other resource agencies were involved in the review and final non-concurrence of this project. Ecology as well as other resource agencies are still meeting and negotiating with the Portland Corps on this project.

TASK 1.6 PADILLA BAY RESERVE

Estuarine Education and Information

Staff provided estuarine and watershed education to 146 groups with a total audience of 4,164 citizens. These include teachers; college and high school level foreign exchange students, public and private schools, tribal schools, special education, home schools, AmeriCorps Members, scouts, summer youth programs, university and college classes, and citizen volunteer environmental monitors. Over 100 educators and citizens attended the NAME 2000 Conference. This annual gathering of the Northwest Aquatic and Marine Educators is a cooperative effort with Sea Grant, PSWQAT, WA Department of Fish and Wildlife, and others. This year's conference provided professional education about current water-related issues in the Northwest. Educators, researchers, resource managers, business people, and citizens met to examine the role of education in solving problems. A new web page was developed for the Septic Education Kit that can be viewed at: http://www.ocrm.nos.noaa.gov/nerr/septickit/

Coastal Non Point Septic Education

Non-point septic education. The first workshop for septic educators, "The Secrets of a Successful Septic Education Program", was held in Olympia, WA, on October 26, 2000. Thirty-two participants and six presenters were involved. The workshop was targeted to agencies and organizations that are currently offering septic education programs, are interested in creating programs, or have the opportunity to deal with septic owners directly.

Non-chemical Spartina Research and Control in Padilla Bay

Control efforts (pull, dig, mow) were carried out in July/Aug 2000. We are down to less than an acre now. There is still scattered S. anglica infestation from the Swinomish Spit throughout the south end of the bay, especially in the slough habitats. Control of the S. alterniflora infestation on Dike Island is progressing nicely. Because of the huge root mass, it will take a few more years of monitoring to keep up with any new growth, but we are encouraged by our success to date. Planning for the 2001 season will be done in Jan/Feb 2001 and survey and control dates will be scheduled. Spartina anglica has been located in Alice Bay (adjacent to northeast Padilla Bay). Since some of that tideflat is owned by Ecology, we will most likely help with the control effort there in spring/summer 2001.

Padilla Bay Research Assistantships

Leslie Allen. "A comparison between soil respiration rates of a native and an altered marsh in Padilla Bay." Ms. Allen selected sites for her study in Telegraph Slough. She is comparing two different methods of measuring soil respiration (open chamber and static chamber). August through November, she performed 24-hr measurements using both methods and collected soil samples. She is also researching the history of land use within and surrounding Telegraph Slough.

Anna Portinga. "An investigation of potential sublethal stress indicators in Zostera marina L. (eelgrass)." Ms. Portinga accomplished initial statistical analysis in this time period.

Salmonid Use of the Estuarine Nearshore

Review of salmonid use of estuarine nearshore. Some planning occurred in this time period. Relevant people were contacted (Kurt Fresh and Charles Simenstad) and the approach to the review was discussed.

CHAPTER 2 – SECTION 309

TASK 2.1 IMPLEMENTATION OF LEGISLATIVE CHANGES TO THE SHORELINE MANAGEMENT ACT

Adopted Shoreline Guidelines Rule: Culminating over five years of often contentious and polarized debate and intensive effort by SEA Program and agency staff, Director Tom Fitzsimmons took action on Wednesday, November 29th to adopt the Shoreline Guidelines rule. The rule re-energizes our relationship with local governments across the state who must now revisit shoreline development practices at the local level making them consistent with the guidelines. It also breaks new ground with the federal services who are charged with Endangered Species Act compliance. Those interested in the guidelines are encouraged to refer to our web site where many common questions are answered in the responsiveness summary. Also available: the Final Environmental Impact Statement prepared for the guidelines and the Evaluation of Probable Benefits and Costs report. The web link is http://www.ecy.wa.gov/programs/sea/SMA/guidelines/newguid.htm

The responsiveness summary includes more than just responses to comments (section two), it also provides background information (section one) and in particular, identification of the specific changes made to the draft rule in response to comment (section three underline/strikeout of final rule). It is loaded with relevant information. The document was distributed in mass to the public immediately following adoption.

TASK 2.2 309 STRATEGY UPDATE

During the second half of 2000, an internal review draft of the 2001 CZMA Section 309 Assessment report was completed and circulated to Department of Ecology Shorelands Program staff for review and comment. The report was based on draft improvement area assessments prepared by key staff working in those areas. In addition, the draft aquaculture section was prepared in cooperation with aquaculture industry representatives.

CHAPTER 3 – SECTION 6217

TASK 3.1 MANAGING NONPOINT POLLUTION IN THE COASTAL ZONE Action 1

Progress: Bill Green has completed the comprehensive description and evaluation of 90.48 RCW in preparation for attorney review.

Action 2 - Address MMs for Erosion and Sediment Control (IIA), Grazing Management (IIE), Irrigation Water Management (IIF)

Progress: Dick Wallace and Phil KauzLoric have been actively participating in the Agriculture Fish and Water process. The negotiations have focused on two primary areas: Irrigation systems and review of the NRCS Field Office Technical Guide for Washington.

Draft Comprehensive Irrigation System Management Guidelines have been completed and are about to be sent out for a 90-day public review. These guidelines describe the practices needed for irrigators to come into compliance with Endangered Species Act and the Clean Water Act. It is expected that Ecology and the Conservation Commission will adopt these BMPs sometime in late spring or early summer. SRF loans are currently being used in the Yakima drainage for retrofitting furrow-irrigated fields with drip systems.

Progress is also being made on the review and update of the Field Office Technical Guides looking at a wide range of agricultural activities. The AFW group working on this issue is focusing their work on regionally specific BMPs. The first area for negotiation is the northwest corner of the state. Review is complete on a range of practices. Physical and biological habitat functions have been identified along with appropriate treatments for each. Now the group is focusing on riparian issues and V-ditches (a type of drainage system).

Reports were provided this week to the legislature along with requests to fund several demonstration projects. The EQIP program is being proposed as the point of nexus with the ESA.

Action 3 Address MMs for Large and Small CAFOs (HB1 and HB2)

Progress: Phil KauzLoric has completed a review of the MMs, the proposed Federal NPDES rules, and our current Dairy and CAFO efforts. He is preparing an issue paper for WQP management regarding this evaluation and is moving forward with developing a work plan. A recent letter from Director Fitzsimmons to Jim Jesernic at the Department of Agriculture requested a list of numbers and sizes of various animal keeping operations by county in the state. With this information Phil hopes to come up with a workload estimate that will address all the current obligations of the state.

In the future Phil plans to meet with key stakeholders to explain the requirements and solicit ideas on how we should proceed.

Action 4 - Address MMs for Nutrients and Pesticide Management

Progress: David Roberts has been coordinating with Department of Agriculture on language for the submittal concerning pesticides. In addition he is reviewing the applicator's training manual to identify correct citations. Pesticides have received increased attention in the last 6 months by a variety of groups including AFW. They recently outlined a game plan to review pesticides in a comprehensive manner to address issues focused on salmon. NMFS and USFWS are key players in the negotiations.

There is no current activity with the nutrient management MM.

Action 5 - Coordination and management

Progress: David Roberts continues to work with people inside and outside the agency. In particular he is following stormwater issues, working on the marina and boats issues, and responding to the recent directives for completing the CZARA obligations. He has prepared a summary of the outstanding obligations for program management, and worked with SEA program to gain their additional assistance in the coming fiscal year with hydromod and wetlands issues.

State Of Washington Department Of Ecology Shorelands And Environmental Assistance Program

Coastal Zone Management Section 306, 306A, 309 and 6217 Grant

Federal Fiscal Year 2000 Grant Award No. NA07OZ0137

Section "B"

Semiannual Report
For the period July 1, 2000 through December 31, 2000

1st Semi-Annual Report

Shoreline Permits — January 1, 2000- June 30, 2000 Table 1.

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Total	Projects4		1.4		99	6	22	20	σ	0	0		6	10	·		13	14	12	25		۲	2		318	017
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County		Teland	Island	King	Kitsap	San Juan	Skagit	Snobomich	CHOHOLISII	Whatcom		Clallam	Grave	United	rarbor	Jefferson	Mason	Pacific	D:	rierce	Thurston	Wahkiakum			TOTAL	

¹ Substantial Development Permits ² Conditional Use Permits

³ Variances ⁴ Total permitted projects (NOTE: Some projects have multiple shoreline permits)

Table 2. Shorelines Hearings Board Cases

	Ecology as Respondent 02	Ecology as Appellant 12	Ecology not a Party 10	Total Appeals 24
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Table 3. Shoreline Enforcement Actions

Formal Enforcement Actions	Notice of Correction	Notice of Orders to Restore	Penalties Issued	Totals For Reporting Period
Joint State and Local Government	2	0		2
State (Ecology)		0	0	

Table 4. Shoreline Master Program Amendments

Pending	2	
Denied	0	
Approved with Conditions		
Approved	4	

Table 5. Direct Federal Agency Activities - Section 307 (C) (1) And (2)

Federal Agency	Description of Activity or Project	Concurrence	ConcurrenceDoes not comply with state CZM	State/Local Review Time	State/Local Col.rt Cases Seview Time	Proximity To Coastal Zone
EPA	Lab expansion		Ď	41dave		11/14/25
Olympic National Park	Dredge Creek Bed	-		17 dave		W 111111
ACOE	Soil core samples			20 days		**
USCG	Relocation of Boom	, , , , ,		40 days		3
US Army	Concrete forge across creek			21 days		3
ACOE	Ramp replacement	_		23 days		13
BPA	Improvements to stream crossing	3		15 days		13
US Navy	Demolish/Replace Pier	_		10 days		23
USCG	Relocation of Float	-		17 days		ä
ACOE	Explosions for Depth findings	1		20 days	 	3
US Army	Fish Enhancement	-		28 days		"
US Navy	Cleanup Project	~		17 days		19
US Navy	Seawall Repair	1-		35 days);
USFW	Slope stabilization	-		28 days	 - 	
ACOE	Columbia Deepening Project					10
ACOE	Tree Replacement/Ship Canal			29 days		53
ACOE	Flow Deflection Groins	_		30 days		11
ACOE	Levee Stabilization			40 days		2
ACOE	Willapa Bay Dredge	,		27 days		13
ACOE	Bay Center Maintenance Dredge			20 days		

Table 6. Federal Licenses And Permits - Section 307(C)

Non- Pending Pending Review Co 1rt Permits / State Approval State/Local Time Cases Received	Review Time	CON	
Number of Concurrences Com	323		
Type Of Permit	S404/NWP		
Federal Permitting Agency	ACOE	FFRC	

Table 7. Federal Assistance To State And Local Governments - Section 307(D)

Average Processing	Time 25 days
Total Received	15
Total l'ending	0
Concurrence Affer	Tagain a saidh
Inconsistent with State	
Insufficient Information	
Number of Concurrences	5.
Type of Number of Assistance Applications	15
Type of Assistance	Community Assistance
Federal Agency	Rural Development

Local Government Grants – 2000-2001 Initial Semi-Annual Progress Report Reporting Period (7/1/2000 – 12/31/2000)

		·	
Recipient	Туре	Project Officer	Comments
Aberdeen, City of	CZM306A	Jeff Stewart	Pending federal approval
E.Aberdeen Waterfront Walkway		Start Date:	
Aberdeen Landing Segment	Pending	End Date:	
Bainbridge Island, City of Taylor Avenue Shoreline Access Project	CZM 306 G0100026	Sandra Lange Start Date: 7/1/2000 End Date: 6/30/2001	Received Scope of Work and Tasks for Taylor Avenue Shoreline Access and the CZM Semi-Annual Grant Progress Report. This is a road-end access and is historically significant as the site of the ferry dock site which transported the first Japanese-Americans from their homes on Bainbridge Island to mainland Seattle, and then to inland internment camps for the duration of World War Two. The City is coordinating their efforts with several other groups interested in preserving this site as an educational memorial to those Bainbridge Island Washington residents.
Blaine, City of Maine Boardwalk Pre-construction Planning	CZM 306 G0100036		Site analysis is underway. Topographic survey is complete. Names and addresses of owners of adjacent properties have been complied. Title reports for all adjacent properties have been produced. The need for this item (and the associated cost) was not included in the scope of work for this grant, however the title reports were needed by the surveyor to complete the survey work. Boundary survey is underway. Proposals have been received from several qualified geotechnical engineering firms. The railroad has been contacted regarding long-term lease of adjacent railroad property. Excellent progress overall.

Local Government Grants – 2000-2001 Initial Semi-Annual Progress Report Reporting Period (7/1/2000 – 12/31/2000)

Recipient	Туре	Project Officer	Comments
Everson, City of SMP / GMA Update and Integration	G0100035		Task 1: The City has been coordinating internally and with Barry Wenger from the Department throughout this reporting period. Mr. Wenger also attended the December meeting of the Everson City Council. Task 2: The inventory and information gathering as identified in the Grant Agreement are nearing completion. An initial draft of the Inventory Report is anticipated by the last week in January 2001. Task 3: Initial review of relevant documents has been completed. Further analysis of goals and policies will follow completion of local inventory. Initial strategy for integration of SMA and GMA goals, policies and regulations has been developed. Task 4: Initial review of existing shoreline designations and likely future designations has been completed. Initial draft of shoreline goals and policies and use regulations has been developed. Recommended designations and amendments to shoreline goals and policies will follow completion of Task 3. Task 5: City Council addressed shoreline update at their meeting in December of 2000. Members of Citizen's Advisory Committee have been contacted. First meeting of Advisory Committee will follow completion of Task 2. Excellent progress overall.
sland Co. / WSU Beach Watchers 2000-2001 Beach Vatchers Volunteer raining Program	CZM 306 G0100002	Alice Schisel Start Date: 7/1/2000	Work proceeded on schedule during the reporting period. Beach Watchers has delivered the first monitoring data in their new reporting format and is seeking feedback on its utility to prospective user groups and changes still needed.

Local Government Grants – 2000-2001 Initial Semi-Annual Progress Report Reporting Period (7/1/2000 – 12/31/2000)

Recipient	Туре	Project Officer	Comments
Marysville, City of Critical Areas Study for the N. Marysville Subarea Plan	G0100024	Erik Stockdale Start Date: 7/1/00 End Date: 6/30/01	Field work progressing as scheduled. The bulk of the field inventory work was conducted in Nov-Dec 00, with additional work scheduled in March 01. Large areas of "possible wetland" in active pasture lands have been identified. The unseasonably dry weather has made it difficult to positively classify the areas. Consultant will return in March to spot check areas to confirm either wetland or upland hydrology. City is considering installing shallow groundwater monitoring wells in questionable areas. Determination is critical as area in question is within proposed urban growth area and is slated for industrial development. Area likely provides critical headwater hydrologic functions for Quilceda Creek. In the meantime, consultant is continuing to compile data and working on final report
Mukilteo, City of Ph.3: Shoreline & Critical Areas Plan & Regulatory Update	CZM306 G0100065	Bob Fritzen Davis Start Date: 7/1/00 End Date: 6/30/01	The contract was signed-off on 11/15/2000. The City is on schedule. One letter contract has been let for the development of new data/analysis of the nearshore environment. A consultant RFP was advertised 1/8 & 16/2001 in the Seattle Journal of Commerce. One-hundred-six RFPs to consultants from our 1999 call for services.
Pacific County Public Education & nvolvement in Bionatensive Spartina Control	CZM306 G0100001	7/1/00	This project is proceeding as planned. Considerable progress has been made on the ground and that information is being delivered to the public through the activities sponsored by this grant.
Port of Peninsula	CZM 306	ii	There has been no progress reported to date.
Residential ducation – SMP rocess	Pending	Start date: End Date:	

Local Government Grants – 2000-2001 Initial Semi-Annual Progress Report Reporting Period (7/1/2000 – 12/31/2000)

Recipient	Туре	Project Office	Comments
Port Townsend, Port of	CZM306	Jeff Stewart	Project on track. Property transactions complete
Site Planning & Design for the NW Maritime Center	G0100064	Start Date: 7/1/00 End Date: 6/30/01	Architect team selected. Design meetings ongoing. Permits for docks and other developments being applied for.
Poulsbo, City of	CZM 306A	Sandra Lange	The State Historic Preservation Office required an
Oyster Plan Park Development	Pending	Start date: Pending End Date:	archeological survey prior to providing clearance on this project. The survey has been completed with no archeological findings. The state office has provided comments; the City is waiting for comments from the Tribe. Once State clearance has been obtained, complete documentation can then be submitted for federal approval.
Quinault Indian Nation	CZM 306	J.Sohneronne	No contact or progress to date.
Ph.2 Planning: Ocean Shores Marina Public Access Trail	G0100053	Start date: 7/1/00 End Date: 8/31/01	·
Snohomish County	CZM 306	Sharon Riggs	Awaiting the first deliverables for this project.
Snohomish County Marine Resources / A Community Dutreach and Education Program	G0100034	Start date: 7/1/00 End Date: 6/30/01	Recipient indicated deliverables were not up to his standards, so is revising them and will be sending in February 2001. Next deliverables are due in early June.
Snohomish, City of Snohomish River Bank Restoration	CZM306	Start date:	City has met w/WDOT fisheries biologist and has scheduled meeting w/NMFS biologist to begin the coordination of design w/the fisheries issues
'lans	G0100021	6/30/01	
umner, City of	CZM 306	'	This project is a comprehensive amendment of the SMP. The City recently initiated their planning process.
MP Comprehensive pdate	G0100086	Start Date: 7/1/00 End Date:	

Local Government Grants – 2000-2001 Initial Semi-Annual Progress Report Reporting Period (7/1/2000 – 12/31/2000)

Recipient	Туре	Project Officer	Comments
Willapa Harbor,	CZM306A	6/30/01	
Port of	CZIWISUBA	Kim Van- Zwalenburg	Pending federal approval; several requests from OCRM have been received to clarify documentation.
Tokeland Public Fishing Pier Refurbishment	Pending	Start Date: Pending End Date:	The current request on quitciaim / titie opinion has been forwarded to the applicant. SEA is waiting a response.
Woodway, Town of	CZM306	Bob Fritzen	Consciously following the scope of work for this
		Start Date: 7/1/00	project. Working towards a final SMP Draft to be completed by May 31
SMP Development	G0100039	End Date: 6/30/01	

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